

**REPORT OF THE AUDIT OF THE
FAYETTE COUNTY
SHERIFF'S SETTLEMENT - 2006 TAXES**

**For The Period
April 28, 2006 Through April 26, 2007**



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
www.auditor.ky.gov**

**105 SEA HERO ROAD, SUITE 2
FRANKFORT, KY 40601-5404
TELEPHONE 502.573.0050
FACSIMILE 502.573.0067**

EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
FAYETTE COUNTY
SHERIFF'S SETTLEMENT - 2006 TAXES

For The Period April 28, 2006 Through April 26, 2007

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2006 Taxes for the Fayette County Sheriff for the period April 28, 2006 through April 26, 2007. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$208,454,730 for the districts for 2006 taxes, retaining commissions of \$4,260,409 to operate the Sheriff's office. The Sheriff distributed taxes of \$204,033,853 to the districts for 2006 taxes. A refund of \$1,675 is due to the Sheriff from the state.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT	1
SHERIFF'S SETTLEMENT - 2006 TAXES	3
NOTES TO FINANCIAL STATEMENT	4
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	9



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government

Honorable Kathy H. Witt, Fayette County Sheriff

Members of the Lexington-Fayette Urban County Council

Independent Auditor's Report

We have audited the Fayette County Sheriff's Settlement - 2006 Taxes for the period April 28, 2006 through April 26, 2007. This tax settlement is the responsibility of the Fayette County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Fayette County Sheriff's taxes charged, credited, and paid for the period April 28, 2006 through April 26, 2007, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated October 16, 2007, on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government

Honorable Kathy H. Witt, Fayette County Sheriff

Members of the Lexington-Fayette Urban County Council

provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", written in a cursive style.

Crit Luallen

Auditor of Public Accounts

October 16, 2007

FAYETTE COUNTY
KATHY H. WITT, SHERIFF
SHERIFF'S SETTLEMENT - 2006 TAXES

For The Period April 28, 2006 Through April 26, 2007

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 15,455,973	\$ 48,043,834	\$ 104,521,019	\$ 24,729,557
Tangible Personal Property	1,602,147	1,607,387	8,753,465	5,490,062
Increases Through Exonerations	2,549	3,665	14,770	7,344
Franchise Taxes	486,335	645,452	2,816,732	
Additional Billings	6,140	18,826	41,440	9,890
Limestone, Sand and Mineral Reserves	1,235	3,080	8,353	1,976
Penalties	74,352	224,018	497,482	124,427
Adjusted to Sheriff's Receipt	(44)	26	(213)	(10)
Gross Chargeable to Sheriff	<u>17,628,687</u>	<u>50,546,288</u>	<u>116,653,048</u>	<u>30,363,246</u>
<u>Credits</u>				
Exonerations	109,178	127,197	611,192	587,578
Discounts	285,690	830,820	1,896,502	497,716
Delinquents:				
Real Estate	8,826	28,648	59,682	14,123
Tangible Personal Property	16,388	15,130	89,552	65,172
Additional Taxes:				
Delinquent	550	1,713	3,697	900
Uncollected	598	1,865	4,045	959
Franchise Taxes	<u>192,283</u>	<u>208,498</u>	<u>1,078,037</u>	
Total Credits	<u>613,513</u>	<u>1,213,871</u>	<u>3,742,707</u>	<u>1,166,448</u>
Taxes Collected	17,015,174	49,332,417	112,910,341	29,196,798
Less: Commissions *	<u>723,432</u>	<u>1,166,723</u>	<u>1,129,103</u>	<u>1,241,151</u>
Taxes Due	16,291,742	48,165,694	111,781,238	27,955,647
Taxes Paid	16,278,024	48,139,368	111,698,115	27,918,346
Refunds (Current and Prior Year)	<u>13,718</u>	<u>26,326</u>	<u>83,123</u>	<u>38,976</u>
Refund Due Sheriff as of Completion of Audit	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (1,675)</u>

* Commissions:

10% on	\$	10,000	
4.25% on	\$	65,418,980	
1% on	\$	112,910,341	
\$350,000 on	\$	30,115,409	(City Taxes)

The accompanying notes are an integral part of this financial statement.

FAYETTE COUNTY
NOTES TO FINANCIAL STATEMENT

April 26, 2007

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the urban county government, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

FAYETTE COUNTY
NOTES TO FINANCIAL STATEMENT
April 26, 2007
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 26, 2007, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2006. Property taxes were billed to finance governmental services for the year ended June 30, 2007. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 2, 2006 through April 26, 2007.

Note 4. Interest Income

The Fayette County Sheriff earned \$254,757 as interest income on 2006 taxes. The Sheriff was in substantial compliance with her statutory responsibility regarding interest.

Note 5. Sheriff's 10% Add-On Fee

The Fayette County Sheriff collected \$813,566 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The Fayette County Sheriff collected \$10,911 of advertising costs and \$10,915 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the Lexington-Fayette Urban County Government as required by statute, and the advertising fees were used to operate the Sheriff's office.

THIS PAGE LEFT BLANK INTENTIONALLY

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County Government
Honorable Kathy H. Witt, Fayette County Sheriff
Members of the Lexington-Fayette Urban County Council

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Fayette County Sheriff's Settlement - 2006 Taxes for the period April 28, 2006 through April 26, 2007, and have issued our report thereon dated October 16, 2007. The Sheriff prepares her financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fayette County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Fayette County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fayette County Sheriff's Settlement - 2006 Taxes for the period April 28, 2006 through April 26, 2007, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Lexington-Fayette Urban County Government, and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

October 16, 2007

